

## Richmond County Schools

PO Drawer 1259  
522 W. Hamlet Avenue  
Hamlet, NC 28345

Telephone: (910) 582-5860  
Fax: (910) 582-7921

January 5, 2006

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

RECEIVED & INSPECTED  
  
JAN 6 - 2006  
  
FCC - MAILROOM

CC Docket No. 02-6

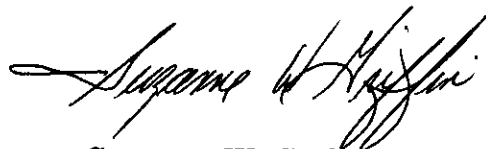
Request for Review for Funding Year 2005:

Contact: Suzanne W. Griffin  
Richmond County School District  
Billed Entity Number 126988  
522 W. Hamlet Avenue  
Hamlet, NC 28345  
Phone: (910) 582-5860 ext. 220  
Fax: (910) 582-7921  
[suzannegriffin@richmond.k12.nc.us](mailto:suzannegriffin@richmond.k12.nc.us)

To Whom It May Concern:

In the Request for Review for Funding Year 2005 sent to you yesterday a typographical error has been discovered. Please disregard the letter for Funding Request Number 1277437 previously received with the attached documents.

Sincerely,



Suzanne W. Griffin  
Director of Technology

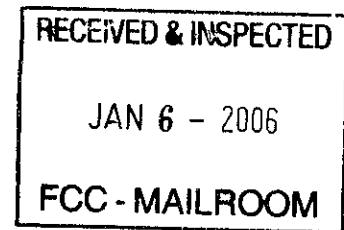
No. of Copies rec'd 0  
List A B C D E

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January 4, 2006



Federal Communications Commission  
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445 12<sup>th</sup> Street, SW  
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Washington, DC 20554

CC Docket No. 02-6

Request for Review for Funding Year 2005:

Contact:     Suzanne W. Griffin  
                  Richmond County School District  
                  Billed Entity Number 126988  
                  522 W. Hamlet Avenue  
                  Hamlet, NC 28345  
                  Phone: (910) 582-5860 ext. 220  
                  Fax: (910) 582-7921  
                  [suzannegriffin@richmond.k12.nc.us](mailto:suzannegriffin@richmond.k12.nc.us)

To Whom It May Concern:

This letter of appeal is to request a review of the SLD which denied 2005 funding to:  
Richmond County School District  
FCDL Date: December 27, 2005  
Funding Request Number 1277437

The Funding Commitment Letter stated that funding was denied because of Contract Violation – *“FCC rules require that a contract for the products/services be signed and dated by both parties prior to filing the Form 471. This requirement was not met.”* The contract with eChalk, L. L. C. was issued on January 3, 2005 and signed that same date by the school system’s Associate Superintendent, Dr. Robert E. Beck while the allowable contract award date was 12/13/2004. The contract was signed after the allowable contract award date as per E-Rate Guidelines. This contract does not have a space for a handwritten date, but the contract date was printed at the top of the contract. After awarding the contract and having both parties sign the contract I filed the 471 Application #464724 on February 10, 2005.

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Attached are copies of the signed contract with eChalk and Block 5 of the 471 application (I print each section as I am filing the application online) showing the February 10, 2005 filing date.

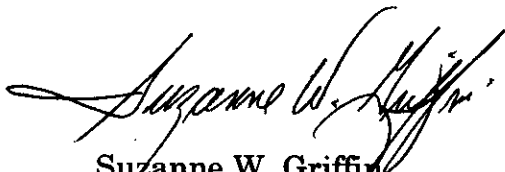
The language in the eChalk contract (Service Order Master Services Agreement documents) clearly state that both parties (eChalk, LLC and Richmond County School District) agreed that the date indicated at the top of the document is the Effective Date for the contract. (See attachment) Additionally, both parties agree, in the Master Services Agreement, Section 9.1, that:

*"This Master Services Agreement shall become effective as the Effective Date and shall remain in force until terminated."*

We understood that this date governs both signatories and is equivalent to having two dates, one under each signature. This arrangement should meet the spirit and the letter of the FCC rule on contracts in Paragraph 48 of the Fifth Report and Order, FCC 04-190.

Richmond County School District respectfully requests that this denial be reversed by the FCC, and that the SLD provide E-Rate funding to the school district for FRN 1277722.

Sincerely,



Suzanne W. Griffin  
Director of Technology

SO #03-1661-04A

**eCHALK SERVICE ORDER**

This order, made as of February 1, 2005 ("Effective Date"), for the services set forth herein constitutes a Service Order to the Master Services Agreement<sup>1</sup> #03-1661 between eChalk, LLC ("eChalk") and Richmond County School District (the "District").

**District Contact Information:**

Richmond County School District  
622 West Hamlet Avenue  
Hamlet, North Carolina 28345  
910-582-5860  
910-582-7821

**eChalk Contact Information:**

eChalk, LLC  
28 Broadway, Suite 841  
New York, NY 10004  
212-809-8400  
212-809-8500 (fax)

**Ordered Services and Fees.** eChalk agrees to provide the District with the following services ("Ordered Services") which are detailed in the Description of Services document. The District agrees to pay eChalk the fees set forth below for the Ordered Services.<sup>2</sup>

Service Description	Unit	Quantity	Quantity Unit	Year	Total Cost
<b>Standard Email &amp; Web Hosting Services (Eligible for E-Rate Discounts)</b>					
Maintenance	Sites	5.0	\$1,425.00	1 yr	\$7,125.00
User Accounts (Students, Teachers, and Staff)	Users	2500.0	\$7.60	1 yr	\$18,000.00
On-Site Training (E-Rate Eligible) *	Days	2.0	\$1,425.00	One-time fee	\$2,850.00
Discounted User Accounts	Users	300.0	\$7.60	1 yr	(\$2,280.00)
Subtotal for Standard Email & Web Hosting Services					\$26,895.00
E-rate Discount (based on a reported discount rate of 77%)					(\$20,565.15)
<b>Standard File Storage Services** (Not Eligible for E-Rate Discounts)</b>					
Maintenance	Sites	5.0	\$75.00	1 yr	\$375.00
User Accounts (Students, Teachers, and Staff)	Users	2500.0	\$0.40	1 yr	\$1,000.00
On-Site Training (E-Rate Eligible) *	Days	2.0	\$75.00	One-time fee	\$150.00
Discounted User Accounts	Users	300.0	\$0.40	1 yr	(\$120.00)
Subtotal for Standard File Storage Services					\$1,405.00
Total Cost					\$28,100.00
Total Cost to Richmond County School District					\$7,544.85

\*On-site email administrator training is provided during setup to those individuals responsible for maintaining the eChalk system. This is not end-user training.

\*\*eChalk has attributed 5% of the costs of its system to the file storage component which is not eligible for E-rate discounts.

Service Start Date: 7/1/2005

Service End Date: 6/30/2006

On behalf of the District:

Signature

Name

Title

*Robert E. Beck*  
Robert E. Beck  
Associate Supt.

On behalf of eChalk:

Signature

Name

Name

Chief Operating Officer

Title

In the event of a conflict among the Master Services Agreement, the Service Order(s), and any terms and conditions contained in any purchase order issued by the District, the order of priority for purposes of interpretation shall be the Master Services Agreement and then this Service Order. Any terms and conditions contained in a purchase order issued by the District shall not be controlling.

<sup>3</sup>Such amount does not include sales, value added or similar taxes of any nature. The District shall pay applicable taxes when invoiced by eChalk or shall supply appropriate tax exemption certificates in a form satisfactory to eChalk.

<sup>4</sup>This Service Order shall renew for additional one (1) year terms upon mutual written agreement of both parties.

**E-rate Contingency:** Both parties acknowledge and agree that the District's obligation to purchase the services set forth in this Service Order is contingent upon the Schools and Libraries Division of the Universal Service Administrative Company issuing to the District a Funding Commitment Decision Letter in support of the purchase of those services. Accordingly, eChalk shall delay the delivery of such services upon request by the District until the District requests delivery pursuant to its receipt of E-rate funding support.

Copy of  
Contract

HOME CANCEL HELP

Block 1

Block 2 &amp; 3

Block 4

Block 5

Block 6

## FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: echalk05

Entity Number: 126988

Contact Person: Suzanne W Griffin

Phone Number: (910) 582-5860 Ext. 220

## Block 5: Discount Funding Request(s)

Funding Request Number (FRN): (assigned by Administrator)

10.	<input type="checkbox"/> If this is a duplicate Funding Request(e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:	
11.	Category of Service (only ONE category should be checked)	
	<b>PRIORITY 1</b> <input type="radio"/> Telecommunications Service <input checked="" type="radio"/> Internet Access	<b>PRIORITY 2</b> <input type="radio"/> Internal Connections Other than Basic Maintenance <input type="radio"/> Basic Maintenance of Internal Connections
12	Form 470 Application Number (15 digits)	310090000510439
13	SPIN - Service Provider Identification Number (9 digits)	143020189
14	Service Provider Name	eChalk, L.L.C.
15a	<input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.	
15b	Use Contract Number for contracted services (indicate N/A if not available); use "T" if tariffed services; use "MTM" if month-to-month services.	(03-1661-04A) <i>Copy of Block 5 Form #71 Application</i>
15c	<input type="checkbox"/> Check this box if this Funding Request is covered under a maintenance agreement negotiated by a third party, the terms and conditions of which are entered into by the entity that purchases directly from the service provider)	
15d	<input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous year entered on a multi-year contract. If so, provide that FRN here:	
16	Billing Account Number (e.g. billed telephone number)	9105825860
16	<input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.	
	Allowable Vendor	

17	Selection/Contract Date (mm/dd/yyyy, based on Form 470 filing)	12/13/2004
18	Contract Award Date (mm/dd/yyyy)	
19	Service Start Date (mm/dd/yyyy)	07/01/2005
20a	Service End Date (mm/dd/yyyy) (use only for "T" or "MTM" services)	06/30/2006
20b	Contract Expiration Date (mm/dd/yyyy)	

**21. Description of This Service:** You MUST forward a description of this service on paper, including a breakdown of components and costs, plus any relevant brand names. Label this paper description with an Attachment #, and note number here:

Attachment # echalk05

**22. Entity/Entities Receiving This Service:**

a. If the service is site-specific (provided to one site and not shared by others), select the Entity Number of the entity from Block 4 receiving this service:

b. If the service is shared by all entities on a Block 4 worksheet, select the worksheet number:  
#669360 - 80%

**23. Calculations**

a.	Monthly charges (total amount per month for service)	\$2,341.67
b.	How much of the amount in (a) is ineligible?	\$117.08
f.	Annual non-recurring (one-time) charges	
g.	How much of the amount in (f) is ineligible?	

Reset Page

Block 4

Add New Funding Request

Block 5 Display

Block 6

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Suzanne,

In speaking with our erate team, eChalk has already filed an appeal directly with the FCC (our appeal letter is attached). Due to the nature of the denial, our team recommends filing an appeal directly with the FCC (and not the SLD). You may wish to use the attached letter as the basis for your correspondence with the FCC. The following link provides instructions on handling an FCC appeal:

[http://gulfoss2.fcc.gov/prod/ecfs/upload\\_v2.cgi](http://gulfoss2.fcc.gov/prod/ecfs/upload_v2.cgi)

Please feel free to contact me should you have any questions. Thanks!

***Greg Peralta***

*eChalk, Inc.*

*Communicate, Collaborate, Connect*

*Mobile: (843) 224-0099*

*Corporate: (800) 809-3349*

*Email: [greg.peralta@echalk.com](mailto:greg.peralta@echalk.com)*

--- Original Message ---

From: SuzanneGriffin@richmond.k12.nc.us

To: greg.peralta@echalk.com

Subject: RE: Appeal

Sent: Tuesday, January 03, 2006 1:22:22 PM EST

**\*\* High Priority \*\***

**\*\* Reply Requested by 1/3/2006 (Tuesday) \*\***

Happy New Year! I wish I had been talking to you under more pleasant circumstances! Attached is my letter to the SLD.

Also, please let me know if you get this \* remember I had some problems responding to you about dinner in Greensboro!

Thanks for everything

Suzanne

Suzanne W. Griffin

Director of Technology, Media & SIMS/WISE

Richmond County Schools

All e-mail correspondence to and from this address is subject to the North Carolina Public Records Law, which may result in monitoring and